

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

10-41731

In re: **James Kenneth Crosby**

Case No.

**CHAPTER 13 PLAN**

Debtor(s).

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee, and the debtor(s) will pay to the Trustee the sum of \$ **700.00** each month for **60** months.  
Debtor(s) elect a voluntary wage order. \_\_\_\_\_.
2. From the payments received, the Trustee will make disbursements in accordance with the Distribution Guidelines as follows:
  - (a) On allowed claims for expenses of administration required by 11 USC §507.
  - (b) On allowed secured claims, which shall be treated and valued as follows:

§506	Non §506	Name	Value of Collateral	Claim Amount	Pre-confirmation	Post confirmation Payments	Estimated Mortgage Arrears	Interest Rate (If Specified)
					Adequate Protection			
<input type="checkbox"/>	<input type="checkbox"/>	<b>Alameda County Tax Collector</b>	<b>460,000.00</b>	<b>9,712.00</b>				<b>18.00</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Americas Servicing Company</b>	<b>460,000.00</b>	<b>558,243.63</b>			<b>23,000.00</b>	<b>0.00</b>

With respect to secured claims per §506, valuation stated shall bind unless a timely objection to confirmation is filed. With respect to non §506 secured claims as referenced in §1325, the claim, to the extent allowed, shall control. If an interest rate is not specified, 5/6% per month (10% per annum) will be paid. A secured creditor shall retain its lien until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under section §1328.

- (c) On allowed priority unsecured claims in the order prescribed by 11 USC § 507. Priority claims shall be paid in full except to the extent allowed otherwise under 11 U.S.C. § 1322(a)(4).
- (d) On allowed general unsecured claims the debtor(s) estimate(s) the general unsecured claims will be paid **Pro Tanto** %.
3. The following executory contracts are rejected. The debtor(s) waive the protections of the automatic stay provided in 11 U.S.C. § 362 to enable the affected creditor to obtain possession and dispose of its collateral without further order of the court. Any allowed unsecured claim for damages resulting from rejection will be paid under paragraph 2(d).  
**-NONE-**
4. The debtor(s) will pay directly the following fully secured creditors and lessors:
 

Name	Monthly Payment
<b>Americas Servicing Company</b>	<b>2,842.00</b>
<b>BAC</b>	<b>N/A</b>
5. The date this case was confirmed will be the effective date of the plan.
6. The debtor(s) elect to have property of the estate revert in the debtor(s) upon plan confirmation. Once the property reverts, the debtor(s) may sell or refinance real or personal property without further order of the court, upon approval of the Chapter 13 Trustee.
7. The debtor(s) further propose pursuant to 11 USC § 1322(b): (1) Debtor intends to obtain a court order voiding the second deed of trust of BAC, and discharge it as an unsecured claim upon plan completion. (2) In the event a secured creditor obtains relief from stay, its claim shall be deemed withdrawn and the trustee shall cease further payments to that creditor. (3) Debtor is surrendering property located at 30553 Flossmoor Way, Hayward, CA to BAC Home Loan Services, Wells Fargo Bank and Alameda County Tax Collector, and the claims shall be treated as unsecured debt. (2) Debtor is surrendering property located at 309 Spyglass Drive, Rio Vista, CA to Vericrest Financial Inc and Solano County Tax Collector, and the claims shall be treated as unsecured debt.

Dated: 2/18/10

/s/ James Kenneth Crosby

(Debtor)

(Debtor)

I/We Patrick L. Forte am/are legal counsel for the above named debtors(s) and hereby certify that the foregoing Chapter 13 Plan is a verbatim replica of this N.D. Cal., Oakland Division Model Chapter 13 Plan (October 2005), promulgated pursuant to B.L.R. 1007-1.

/s/ Patrick L. Forte

Attorney for Debtor(s)